

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed November 15, 2006. At the time of the Office Action, Claims 1-12 and 30-41 were pending and Claims 13-29 were withdrawn in the Application. The Examiner rejects Claims 1-12 and 30-41. Applicant amends Claims 2-7, 9-12, 30, 37, and 40-41 and cancels Claims 1 and 8, without prejudice or disclaimer. Applicant's amendments and cancellations have been done to advance prosecution of this case and not to overcome the cited references. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-12 and 30-41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0118644 issued to Moir (hereinafter "*Moir*") in view of U.S. Patent No. 5,867,666 issued to Harvey (hereinafter "*Harvey*"). "To establish a *prima facie* case of obviousness, . . . [f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143.

Applicant respectfully submits that the Examiner does not present any of the requirements to support the rejections under 35 U.S.C. §103(a). *Moir* and *Harvey*, alone and in combination, fail to disclose, teach, or suggest each limitation recited in Applicant's claims. For example, *Moir* does not disclose, teach, or suggest "receiving, from a remote site, logic associated with a desired service to execute the desired service at the virtual machine" as recited in Claim 40. Contrary to the Examiner's assertion, *Moir* discloses "virtual machine **10** that accesses a set of classification rules **18** utilized to make traffic classification decisions" and "the virtual machine **10** . . . receive[s] network traffic from a number of 10baseT network connections via a number of ingress virtual interfaces **24**." ¶ 0029. *Harvey* does not account for this deficiency, and the Examiner does not make an assertion to the contrary. Neither *Moir* nor *Harvey* discloses "receiving, from a remote site,

logic associated with a desired service to execute the desired service at the virtual machine.” Therefore, *Moir* and *Harvey*, alone and in combination, fail to disclose, teach, or suggest each limitation recited in Applicant’s Claim 40. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claim 40 together with its dependents.

Independent Claims 30 and 37 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 40, *Moir* and *Harvey*, alone and in combination, do not disclose, teach, or suggest. Therefore, Applicant respectfully requests reconsideration and allowance of independent Claims 30 and 37 together with their dependents.

CONCLUSION

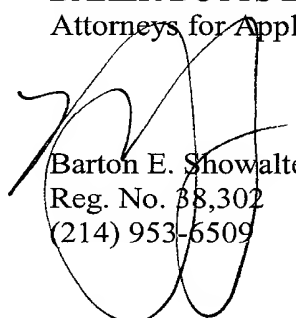
Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due; however, the Commissioner is hereby authorized to charge any fee or credit to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Barton E. Showalter
Reg. No. 38,302
(214) 953-6509

Date: Jan 9, 2007

CORRESPONDENCE ADDRESS:

Customer No. **05073**